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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,071	08/21/2003	Todd A. Goldstein	COS-03-003	6959

7590 10/06/2004

WORLDCOM, INC.
Technology Law Department
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Washington, DC 20036

EXAMINER

SMITH, CREIGHTON H

ART UNIT PAPER NUMBER

2645

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/645,071

Applicant(s)

GOLDSTEIN ET AL.

Examiner

Creighton h Smith

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All. b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 5, 6, 10, 11, 15, 16, 20, 21, 24-26, 29, 30, are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pre Publications Grant #2003/0128691 to Bergman et al.

U.S. publications grant #2003/0128691 to Bergman et al (now matured into U.S. Patent # 6798772) teaches in Fig. 13 an AIN And in Fig. 14 a Local Number Portability setup with the LNP database incorporated in the SCP (208). An AIN works by the switch asking the SCP for routing instructions on the particular subscriber's phone line once the subscriber goes off-hook. In [0099], Bergman discloses, "[w]ith LNP 142, when a call is made to a telephone number in a zone of portability, . . . , a local switch 202 queries an LNP Service Control Point (SCP) 208 by sending a query signal 214 to obtain portability information about the number. The LNP SCP 208 accesses internal databases. If the LNP 208 determines that the number has been ported to a new service provider it returns a local Routing Number (LRN) 212. In [0023], last sentence, Bergman discloses that "[t]o avoid long-distance trunk charges, the call could be placed using the voice over Internet Protocol".

In [0131] Bergman further states that a subscriber can have a call forwarded to any part of the world accessible by phone lines without additional long-distance charges using VoIP technology. By transferring a regular POTS/PSTN call onto VoIP the SCP is telling the SSP to terminate the call over the IXC and switch the call to VoIP which is toll-free.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4, 7-9, 12-14, 17-19, 22, 23, 27, 28 rejected under 35 U.S.C. 103(a) as being unpatentable over Bergman et al.

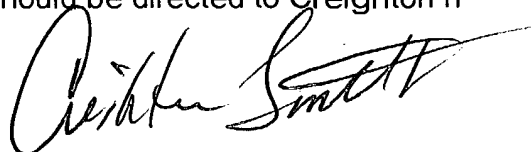
Bergman et al have recognized the desirability of terminating a call over VoIP toll free lines. To have similarly terminated an IXC phone call, that accumulates charges, over any of a Dedicated Access Line (DAL), a wireless communication channel, or a cable communication channel would have been obvious to a person having ordinary skill in the art, because Bergman has already disclosed that by switching a phone call from an IXC line, that assesses toll charges, onto a toll free VoIP line the person placing the phone call is not charged. To have included any of the other types of toll free lines, i.e., DAL, wireless, or cable, is deemed obvious. For claim 28, to have a list of toll free alternative routes, or phone lines, that can be scrolled thru to find a line that is open and will not charge the user a toll is deemed obvious to a person having ordinary skill in the art.

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Any inquiry concerning this communication should be directed to Creighton h
Smith at telephone number 308-2488.

A handwritten signature in black ink, appearing to read "Creighton h Smith". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

01 OCT. '04

Creighton h Smith
Primary Examiner
Art Unit 2645